

Application No.: 10/805893

Case No.: 54396US012

REMARKS

The Office Action dated August 23, 2005 has been received and reviewed. The pending claims are claims 20 and 26. Reconsideration and withdrawal of the rejections are respectfully requested.

The 35 U.S.C. § 102(e) Rejection

Claims 20 and 26 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nilsen et al. (U.S. Patent No. 6,036,322).

Applicants traverse this rejection and submit that claims 20 and 26 are novel over Nilsen et al. because such reference does not teach each and every element of claims 20 and 26. For a claim to be anticipated under 35 U.S.C. § 102(e), each and every element of the claim must be found in a single prior art reference. *See* M.P.E.P. § 2131.

For example, claim 20 recites a microstructured composite sheeting that includes a three dimensional array of cured microstructure elements formed from a polymeric material, where any seam present in the array has a width of about 0.0025 mm to about 0.2 mm on the patterned side. Further, claim 26 recites an article having at least one patterned surface produced by a mold produced by a tooling made by a method, where the mold includes a joining line having a width of about 0.0025 mm to about 0.2 mm in a patterned side of the tooling, and further where at least one patterned surface of the article has a seam of substantially the same width as the joining line of the mold.

A seam as recited in claims 20 and 26 can be formed in a sheeting, e.g., when the sheeting is manufactured using a continuous process. *See*, e.g., Specification, page 1, line 27 through page 2, line 18. In a continuous process, a tool is generally formed from a flat originally ruled substrate, or a replica thereof, into a cylinder with one or more welding lines across the width of the sleeve. *Id.* The resin composition flowing into the weld line tends to stick to the molding surface and cause objectionable seam lines and defects in the resulting sheeting. *Id.* For example, FIG. 3 shows a cross-section of a conventional weld line 42, where the ends of the sleeve are generally joined together by forming a butt joint and then welding on both the front side and the opposing back side.

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See Specification, page 10, lines 17-19. This weld line produces a seam in the resultant mold or article, such as retroreflective sheeting, replicated therefrom. *Id.* at page 10, lines 21-22.

In contrast to claims 20 and 26, Nilsen et al. does not teach a microstructured composite sheeting, where any seam present in the array has a width of about 0.0025 mm to about 0.2 mm on a patterned side. Instead, the teachings of Nilsen et al. cited by the Office Action describe the space (s) between edges of matched prisms in a retroreflective element 10. See Nilsen et al., FIG. 6. In other words, the teachings of Nilsen et al. cited by the Office Action do not describe seams in sheetings formed, e.g., by weld lines of a mold. Because Nilsen et al. does not teach each and every element of claims 20 and 26, such claims are novel over Nilsen et al.

For at least the above reasons, Applicants submit that claims 20 and 26 are novel over Nilsen et al. Reconsideration and withdrawal of this rejection are, therefore, respectfully requested.

The 35 U.S.C. § 103(a) Rejection

Claims 20 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bacon et al. (U.S. Patent No. 5,614,286).

Applicants traverse this rejection and submit that claims 20 and 26 are patentable over Bacon et al. because such reference does not teach all of the elements of claims 20 and 26. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. See M.P.E.P. § 2143.

As stated above regarding the 35 U.S.C. § 102(e) rejection, claim 20 recites a microstructured composite sheeting that includes a three dimensional array of cured microstructure elements formed from a polymeric material, where any seam present in the array has a width of about 0.0025 mm to about 0.2 mm on the patterned side. As was the case for Nilsen et al., Bacon et al. does not teach or suggest a sheeting having such a seam. The teachings of Bacon et al. cited by the Office Action describe the gaps between discrete cube corner segments that are bonded together through a conformable carrier layer. Bacon et al. teaches that these discrete cube corner elements can be formed, e.g., by fracturing the sheeting using a tool. See Bacon et al., col. 9, lines 25-45.

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This teaching of Bacon et al. is in direct contrast to claims 20 and 26 of the present application, which recites seams in sheetings that can be formed, e.g., from weld lines on the sleeve used to make such sheetings. Because Bacon et al. does not teach or suggest all of the elements of claims 20 and 26, such claims are patentable over Bacon et al.

For at least the above reasons, Applicants submit that claims 20 and 26 are patentable over Bacon et al. Reconsideration and withdrawal of this rejection are, therefore, respectfully requested.

Summary

It is respectfully submitted that the pending claims are in condition for allowance. Reconsideration and withdrawal of all rejections are respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

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Date

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